

UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA
PLAINTIFF
-V-
FRANK KNIGHT
DEFENDANT

RESPONSE TO MOTION FOR
RECONSIDERATION
CASE NO. 1:23 CR0099(LTV) (JJM)

This Court has already ruled that the Government has engaged in bad faith in the manner in which it has failed to provide discovery in this matter. I have read and reviewed the arguments and reasoning set forth in the responses provided by other defense counsel. Rather than repeat all of the allegations and responses I am adopting those and incorporating them herein by reference.

Although my client has not been incarcerated for the length of time that many of the other defendants, the government's contention that he should be remanded despite the fact that he was indicted on misdemeanors only and had no prior record, was apparently designed to be punitive and in my opinion with the hopes of extracting some information from Mr. Knight to bolster the government's case against the defendants charged with more serious crimes. No discovery was presented to Mr. Knight at his detention hearing and he ended up spending days in jail-a man who had never spent a minute in custody prior to this.

The government has alleged that Mr. Knight had defendant Gogolak in his residence on a particular morning prior to the death of Crystal Quinn, which he denied and continues to deny the Government claims that this information is based on GPS/satellite data and that the Government had that evidence at the time of the detention hearing and all the days leading up to the time when it finally released it. I still can't discuss this with him or retain an expert to counter what I believe to be faulty evidence. The government has failed to establish any legitimate basis for reconsideration. The Court has asked defense counsel for a position on Sanctions. The appropriate sanction is dismissal with prejudice.

In addition unlike many of the defendants, Mr. Knight has retained counsel, not assigned counsel. The continuous delays and Court appearances to address these delays caused by the Government has and continues to adversely prejudice his and his family's financial situation.

Although his incarnation was relatively brief in comparison to other defendants, many of his freedoms and liberties which we take for granted were taken away or greatly restricted. I cited these in my previous submission.

I believe the Government and most, if not all of the discovery material against Mr. Knight at the time of his detention hearing and most likely at the court appearance when the discovery date was set.

Dated: August 21, 2024

Respectfully Submitted

Clair A. Montroy III
Attorney for defendant
Frank Knight